

MARK D. FOWLER, Bar No. 124235
mark.fowler@dlapiper.com
DAVID ALBERTI, Bar No. 220625
david.alberti@dlapiper.com
CHRISTINE K. CORBETT, Bar No. 209128
christine.corbett@dlapiper.com
YAKOV M. ZOLOTOREV, Bar No. 224260
yakov.zolotarev@dlapiper.com
CARRIE L. WILLIAMSON, Bar No. 230873
carrie.williamson@dlapiper.com

DLA PIPER US LLP
2000 University Avenue
East Palo Alto, CA 94303-2214
Tel: 650.833.2000
Fax: 650.833.2001

Attorneys for
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.

Plaintiff/Counterdefendant,

v.

SUN MICROSYSTEMS, INC.,

Defendant/Counterplaintiff.

CASE NO. C-07-06053 EDL (JCS)

**CHART REGARDING REEXAMINATION
STATUS OF UNITED STATES PATENT
NOS. 5,819,292, 6,857,001 AND 6,892,211**

Pursuant to the Court's request at the May 13, 2008 hearing on Sun Microsystems, Inc.'s ("Sun") Motion for Partial Stay of the Case Pending Reexamination of United States Patent Nos. 5,819,292, 6,857,001 and 6,892,211, Sun and NetApp, Inc. ("NetApp") jointly provide the following chart regarding the reexamination status of those three patents.

///

///

-1-

Patent No.	Asserted Claims	Claims in Reexamination	Type of Reexamination	Reexamination Status
6,857,001	1-6, 20-25, 39-44	1-63	<i>Inter partes</i>	<p>Sun filed a request for reexamination as to claims 1-63 based on 12 prior art references.</p> <p>On April 4, 2008, the PTO granted reexamination as to claims 1-63 and issued its Initial Office Action, rejecting all 63 claims.</p> <p>NetApp's response is due on June 4, 2008.</p>
6,892,211	1-3, 9-11, 17-19	1-24	<i>Inter partes</i>	<p>Sun filed a request for reexamination as to claims 1-24 based on 13 prior art references.</p> <p>On April 2, 2008, the PTO granted reexamination as to claims 1-24.</p> <p>No Office Action has been issued yet.</p>
5,819,292	4, 8, 11-15, 20	1 and 4	<i>Ex parte</i>	<p>Sun filed a request for reexamination as to claims 1-4 and 8-20 based on 6 prior art references.</p> <p>On March 18, 2008, the PTO granted reexamination as to claims 1 and 4.</p> <p>No Office Action has been issued yet.</p> <p>On April 4, 2008, Sun filed a second request for reexamination as to claims 4, 8, 11-15 and 20 based on 11 prior art references.</p> <p>The PTO has not yet made a decision on Sun's second request for reexamination.</p>

1
2 Dated: May 13, 2008

3 DLA PIPER US LLP

4 /s/ Christine K. Corbett

5 Mark D. Fowler

6 Christine K. Corbett

7 Attorneys for

8 Sun Microsystems, Inc.

9 Dated: May 13, 2008

10 WEIL, GOTSHAL & MANGES LLP

11 /s/ Jill J. Ho

12 Matthew D. Powers

13 Edward R. Reines

14 Jeffrey G. Homrig

15 Jill J. Ho

16 Attorneys for

17 NetApp, Inc.